The motion was adopted.

THE DEPUTY CHAIRMAN: Now, we shall take up clause-by-clause consideration of the Bill.

Clause 2 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI P.M. SAYEED: Madam, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE INDIAN TELEGRAPH (AMENDMENT) BILL, 1995

THE DEPUTY CHAIRMAN: Now, we shall take up the Constitution (Eighty-first) ...*(Interruptions)*...

AN HON. MEMBER: Is the Minister withdrawing the Indian Telegraph (Amendment) Bill?

THE DEPUTY CHAIRMAN: He is not moving. There is no question of withdrawal.

SHRI S. JAIPAL REDDY (Andhra Pradesh): Why is he not moving? ...*(Interruptions)*... We do not know why he is not moving.

SHRI M.A. BABY (Kerala): Why this withdrawal?

THE DEPUTY CHAIRMAN: There is no withdrawal. There is a movement ...*(Interruptions)*...

SHRI G. SWAMINATHAN (Tamil Nadu): Why was it listed in the Business of the House? ...*(Interruptions)*... It has already been listed. Once it is listed, he has to move it or he should say, "I withdraw it."...*(Interruptions)*...

THE MINISTER OF STATE OF THE MINISTRY OF COMMUNICATIONS (SHRI SUKH RAM): Madam, I want some time for moving this Bill because various viewpoints have been expressed by some of the hon. Members of this House. I do not know to which extent I can meet those points. I want time for reconsideration and then I will come before this House.

SHRI S. JAIPAL REDDY: First of all, Madam, I would like to state on record that we are not opposed to this Bill. We were of the view that the Bill was not going far enough, It is good that the Minister agreed in principle to see that the scope of the Bill is expanded. But, Madam, there is a catch, the catch is this. A lot of things will have been done before the next integrated Bill is brought forward.

AN HON. MEMBER: Not Ordinances?

SHRI S. JAIPAL REDDY: Not Ordinances. Orders will have been passed. I have no problem with Ordinances. I have problem with orders. Madam, this policy, the National Telecom Policy Statement was made in the House in May 1994. This House has not discussed it. At that time the policy talked of only induction of Indian Registered Companies and without taking Parliament into confidence, so many guidelines have since been issued to allow entry of foreign companies up to 49 per cent as to say that any company which had filed a bid might have experience with five lakhs telephones. That any foreign company which is a holding company, which is a subsidiary of a holding company, having experience of five lakhs telephones should be considered an experience. All these things have been brought in behind the back of Parliament. Now, the financial bids are to be opened. Once the financial bids are opened the genie will be out, it will not be under the control of the Minister or us. Our entire claim is, the Telecom Regulatory Authority of India must be brought into being as a condition precedent, as a prime prerequisite for privatisation and the Minister is

conveniently deferring the Bill while he will not defer his actions. That is the point, that is the catch. Therefore, while his action is innocuous, I do not know what is the intention behind this innocuous action of deferring. I would only like to appeal to him through you that he should defer all action. In respect of privatisation, let him first come forward with an establishment of a Telecom Regulatory Authority of India before privatisation takes place. I am not on this occasion opposing to privatisation *per se*. The Finance Minister is here. Even he will agree in principle that the Regulatory Authority must precede privatisation and the Minister, I am afraid, is likely to commit the mistake of privatising, even globalising and without putting in place the Regulatory Authority.

THE DEPUTY CHAIRMAN: Now, that we do not have any such business listed at the moment because he is already not moving it. Under which rule are we discussing anything about the telecom? It is not even the Zero Hour.

SHRI S. JAIPAL REDDY: Parliament is not meant to discuss things in a *post-mortem* fashion. The financial bids are to be opened. After the national telecom sector is privatised what will the Parliament do? What is the point in bolting the stable door after the horses have fled?

SHRI V. NARAYANASAMY: (Pondicherry) Are we discussing the Bill here?

SHRI NILOTPAL BASU (West Bengal): I have a point of order, Madam.

THE DEPUTY CHAIRMAN: Point of order on what? Let me bring it to your notice. Point of orders are brought if there is some matter under discussion. At the moment, just because a matter is being listed on the order paper, it is not necessary that it has already been discussed. The Minister got up and said that he is not moving the motion. And the Government is in its absolute right to withdraw in time, they won't, they may not, move any business they want to. That much freedom the Government in position has.

You cannot force them to move something which they do not want to move.

SHRI S. JAIPAL REDDY: Madam, I find that Sukh Ramji is willing to respond. Therefore, I request the Deputy Chairperson not to prevent the hon. Minister...

THE DEPUTY CHAIRMAN: I am not preventing him.

SHRI S. JAIPAL REDDY: ...who is willing to respond. He wants to make his position very clear.

SHRI SUKH RAM: Madam, I will respond only when the Bill is moved. Whatever points he raised, I will respond only at that time. This is not the time to respond to his points.

SHRI S. JAIPAL REDDY: In the meantime, what will you do?

SHRI SUKH RAM: I will do whatever the law permits me to do.

SHRI MD. SALIM (West Bangal): The Minister is afraid that the entire thing will come under duscussion, and he is running away from us. (*Interruptions*)

SHRI V. NARAYANASAMY: The discussion will take place and all your points will be answered. (*Interruptions*)

SHRI S. JAIPAL REDDY: I would like to know from the Finance Minister here whether it is a part of his economic policy (*Interruptions*).

THE DEPUTY CHAIRMAN: How can two people speak together? Will you please sit down? Now, let me answer your question. You said you wanted to discuss the National Telecom Policy. (*Interruptions*) Okay. You did not discuss it. But it was decided in the Business Advisory Committee that it would be discussed when we discuss the Bill which

the hon. Minister is going to bring before the House. But, as very clearly mentioned by him here and at various meetings which we had with him in the Chairman's Chamber and my Chamber also, he said that he is agreeable to bring in a comprehensive Bill in the next session with all the prerequisites...

SHRI S. JAIPAL REDDY: In the meantime, the mischief must have been done...

THE DEPUTY CHAIRMAN: Mr. Jaipal Reddy, you are a very senior Member of this House. If you permit me to speak for a minute, I think, the country is not going to be deprived of anything. Perhaps, the country might gain something. Let me explain one thing. The Minister is not running away. The Minister, in fact, was willing to come to the House to discuss it. A lot of discussion took place behind the scene on how to get it through. I should not say what was discussed there. But, a mention was made that he is running away. In fact, he was to go for a medical treatment. He postponed his visit. He was to go last week. He postponed it for us to discuss it. He is not running away. He is still here. But the thing is that he wants to discuss it in a comprehensive way that you want. We can have this complete discussion on Telecom in the next session because he would not be here tomorrow.

SHRI S. JAIPAL REDDY: Madam, if the telecom industry is completely privatised, then what is the point in having a complete discussion then? We are putting the cart before the horse.

SHRI MD. SALIM: He has deferred the Bill. What about the action, as Mr. Jaipal Reddy has pointed out?

SHRI S. JAIPAL REDDY: Let the Minister say that the financial bids will not be opened, until he brings forward the next Bill. *(Interruptions)*

SHRI NILOTPAL BASU: We cannot allow the Government to do something through the backdoor.

SHRI S. JAIPAL REDDY: Madam, history will not forgive us if we do not give a warning to the Government on record.

(Interruptions)

श्री मोहम्मद सलीमः यह पहली बार नहीं है, ऐसा कई बार हुआ है (व्यवधान)

†[شری محمد سلیم : یہ پہلی بار نہیں ہے - ایسا کئی بار ہوا ہے - ... مداخلت ...]

SHRI S. JAIPAL REDDY: Madam, you are absolutely right. When it comes to procedure, we have no quarrel about it. *(Interruptions)*

THE DEPUTY CHAIRMAN: Mr. Salim, let one person speak.

SHRI S. JAIPAL REDDY: Madam Deputy Chairperson, we absolutely agree with your ruling. The Minister is within his complete competence not to move but to defer it.

4 P.M.

SHRI G. SWAMINATHAN: Madam, if the Minister is not present it is all right. But when he is present, how can it be postponed? The problem is ...*(Interruptions)* He is present in the House. If he is not present, I can understand it. He is present in the House. The Bill is on the agenda. How can he say: 'I will not move it'?

THE DEPUTY CHAIRMAN: He can.

SHRI G. SWAMINATHAN: Is it within the rules, Madam?

SHRI S. JAIPAL REDDY: He is within his competence.

THE DEPUTY CHAIRMAN: Mr. Swaminathan, I know this House a bit;

† [ ] Transliteration in Arabic Script.

may not be so much. He is within his right not to move the Bill.

SHRI S. JAIPAL REDDY: Madam, we cannot question your authority over the rules, or, your legal authority in the matter. What is more, we are in agreement with your interpretation of the rules. In terms of rules, your stand is absolutely correct. But sometimes, Madam, forms are observed and norms are violated. this is one such occasion where the technical forms are being scrupulously observed and norms are being violated.

SHRI P. UPENDRA (Andhra Pradesh): Blatantly-in your words.

SHRI S. JAIPAL REDDY: Blatantly. That is exactly the point. Therefore, Madam ...*(Interruptions)*

विपक्ष के नेता (श्री सिकन्दर बख्त): आपने अपनी बात कह दी। मेरा कहना यह है कि जयपाल रेड्डी साहब ने जो बात कही है, आई एम श्योर मिनिस्टर साहब उसको जेहन में रखेंगे क्योंकि यह बात वाकई आकवार्ड होगी कि जिस चीज के लिए यह बिल लाया जा रहा है उस चीज पर बगैर बिल के अमल शुरू हो जाए. आपने अपनी बात कही है।

†[شری سکندر بخت: آپ نے اپنی بات کہدی۔ میرا کہنا یہ ہے کہ جے پال ریڈی صاحب نے جو بات کہی ہے۔ آئی ایم شیور منسٹر صاحب اسکو ذہن میں رکھیں گے۔ کیونکہ یہ بات واقعی اکوارڈ ہوگی کہ جس چیز کیلئے یہ بل لایا جا رہا ہے اس چیز پر بغیر بل کے عمل شروع ہو جائے۔ آپنے اپنی بات کہی ہے۔]

SHRI S. JAIPAL REDDY: I am happy that the Leader of the Opposition has lent his support. The problem is that the Minister is maintaining studied, discreet, silence. Madam, silence of Minisers is far more ominous that their eloquence.

†[ ]Transliteration in Arabic Script

DR. MURLI MANOHAR JOSHI (Uttar Pradesh): Silence is golden here.

SHRI S. JAIPAL REDDY: No. It is much more than golden. It is ominous. His silence is much more eloquent than my eloquence. This is the problem. Why is he silent?

THE DEPUTY CHAIRMAN: Because he is a quiet person like me.

SHRI S. JAIPAL REDDY: Madam, we have no problem with Mr. Sukh Ram, as a person. He is a very nice person.

SHRI SUKH RAM: Madam, I only want to remind the hon. Members of this House that the very first day when the policy was approved by the Government, by the Union Cabinet, I placed the document on the Table of the House. I placed the document on the Table of the House on that very day.

SHRI JAGDISH PRASAD MATHUR (Uttar Pradesh): But it was not discussed.

THE DEPUTY CHAIRMAN: Let him finish.

SHRI SUKH RAM: What I feel is that when once the document is placed on the Table of the House, it becomes the property of the house. You had every right to ask for a discussion on the telecom policy. I also would have been guided by your wisdom. I rather wanted the policy to be discussed in both the Houses. But it is my misfortune that either the Members did not get time, or, they forgot about it. *(Interruptions)* Please listen to me. I would have been guided by your wisdom.

Madam, this was our first experiment. Earlier, there was no privatisation. The competitive environment is coming to this country, after an environment of monopoly for more than a hundred years. I was very keen to get the views from a cross-section of the people.

SHRI S. JAIPAL REDDY: Let us have a discussion.

SHRI SUKH RAM: I will respond when the time comes. When the Bill comes up before the House, I will respond. I am not running away. I am not shying away. I am rather feeling sorry. I want that, to the maximum extent, the various viewpoints should be met.

This telecom policy if a policy of the Government. Whatever are the powers of the Government, we are not going to abdicate them. But I may tell you one thing. Right from the day the policy was approved, including whatever guidelines we have issued, it has been appreciated within the country, by and large.

SHRI NILOTPAL BASU: How do you know? *(Interruptions)*

DR. MURLI MANOHAR JOSHI: Please do not say that. We do not agree. *(Interruptions)*

SHRI S. JAIPAL REDDY: This has not been discussed in Parliament. The Parliament has been bypassed. *(Interruptions)*

THE DEPUTY CHAIRMAN: I will permit you, but let him first finish. He has not done it.

SHRI SUKH RAM: I made the entire tender document transparent. Nobody has pointed a finger at any terms and conditions. But, as I promised you, whenever the time comes, whenever I move the Bill, you will have an opportunity to discuss about all these things, and I will respond to all your points. I am not running away from all these things.

SHRI S. JAIPAL REDDY: What is the commitment?

DR. MURLI MANOHAR JOSHI: What is the commitment? That is No. 1. Then, I want to know whether his actions of opening the financial bids will be stopped till the Bill is finally brought to the House. Please say about it.

SHRI S. JAIPAL REDDY: We want a commitment from you. Until and unless we get a commitment from you...

SHRI SUKH RAM: I proceed according to law, rules and regulations.

SHRI S. JAIPAL REDDY: We want the *status-quo* to be maintained. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Let one person at a time speak, please.

SHRI SATISH AGARWAL (Rajasthan): Can the hon. Minister assure this House that in awarding contracts, revenue will not suffer and undue favours will not be shown to anybody? At least you can say that.

SHRI SUKH RAM: I assure this hon. House, no undue favour and no loss of revenue will be there.

SHRI S. JAIPAL REDDY: We want one commitment from the Minister, that today's situation will be allowed to remain. We wish him speedy recovery, we wish him good health and we want him to come back and serve our country, and the telecom sector in particular. But we want him not to take any step until he comes back to the House with a new Bill and the house has had a full opportunity to discuss the policy and everything else. ...*(Interruptions)*..

SHRI SUKH RAM: I proceed according to law. Whatever the law permits me, I will do accordingly. ...*(Interruptions)*..

DR. MURLI MANOHAR JOSHI: I wish him all good health. I don't think I should wish for his financial health also while I wish him good physical health, mental health and spiritual health. ...*(Interruptions)*...

SHRI SUKH RAM: It is very transparent. There is no question of financial health: it is so transparent. No question of any doubt ...*(Interruptions)*... This will bring not only remittances from abroad for this country but it will also

bring honour to this country. Not only to the Government and my party, but also to the whole country it will bring honour. ...*(Interruptions)*...

SHRI S. JAIPAL REDDY: The Minister should make a commitment to the House.

THE DEPUTY CHAIRMAN: What commitment?

SHRI S. JAIPAL REDDY: He is deferring the Bill with a particular motive.

THE DEPUTY CHAIRMAN: You wanted it to be deferred.

SHRI S. JAIPAL REDDY: No, no, no. We wanted it to be referred to a Select Committee.

SHRI TRILOKI NATH CHATURVEDI (Utter Pradesh): He is withdrawing it with a motive.

SHRI SUKH RAM: I have assured this House that I will proceed in the matter as the law permits me. No violation of any law. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Jaipalji, please sit down.

SHRI S. JAIPAL REDDY: It is a question of propriety.

THE DEPUTY CHAIRMAN: Just let me hear him. Just one second. I have the right as the presiding officer to hear what the Minister is saying so that I am able to give any ruling if I have to give any. If you don't allow me to hear him, I cannot say anything. I will ask him finally to go because it cannot go on this way. So, please, just sit down. Let me hear what he is saying.

SHRI SUKH RAM: Madam, I have already assured this hon. House that I would proceed in the matter as the law would permits me, as the rules and regulations would permit me and that there would be no violation of these rules and regulations. I am assuring this. ...*(Interruptions)*

THE DEPUTY CHAIRMAN: I don't see any motive behind it. I don't see any such thing. Gujaral Saheb, if it is discussed, I can understand that the Members are very keen to talk about it. Now the Minister is taking it out on one suggestions. *(Interruptions)*

SHRI S. JAIPAL REDDY: Why? What is the design behind its deferment? What is the motive?

THE DEPUTY CHAIRMAN: He wants to bring a comprehensive Bill.

SHRI S. JAIPAL REDDY: What is the design behind its deferment? What is the motive.

THE DEPUTY CHAIRMAN: It is not correct. ...*(Interruptions)*

SHRI S. JAIPAL REDDY: We want to know and we want to analyse the designs behind its deferment. ...*(Interruptions)*

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS, AND MINISTER OF STATE OF THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA): You raised objections to it ...*(Interruptions)*

Madam, in the meeting with the Chairman in his chamber also they raised some objections. They wanted that some statutory requirements like the Telecom Authority and so on should be fulfilled. We bowed to their demand and said: "We will not move it in the present form. We will change it. We will accommodate the comprehensive features which you wanted. We will not move it. We will wait." Mr. Reddy, if I may quote you, you said, "Heavens are not going to fall if we do not move it in this session. It can come up in the next session. Let the Minister go for his operation. He can come later. Why are you rushing it through?" So, we agreed. We said, "He

has to go in any case. Let us come back in the next session." It was agreed to. When we agreed to this, today, you are imputing motives. It is not fair. I don't think that the Government can make any such commitments. ...*(Interruptions)*...

The Bill is before you. ...*(Interruptions)*

THE DEPUTY CHAIRMAN: Please sit down. ...*(Interruptions)*

श्री सिकन्दर बख्त: सदर साहिबा, मैं एक सीधी बात कहना चाहता हूं। ...**(व्यवधान)**... सदर साहिबा, मैं एक मिनिट लेना चाहता हूं। सदर साहिबा, मेरा कहना यह है कि ...**(व्यवधान)**... मेहरबानी कर के मुझे बोलने दीजिए। सदर साहिबा, मैं यह कहना चाहता हूं कि इस बिल के कुछ प्रोविजंस से हमें इत्तफाक नहीं है। यह बिल अगर नहीं आता तो कुछ "पैरामीटर्स" के अन्दर रहकर गवर्नमेंट फंक्शन कर रही थी। वह पैरामीटर्स अब भी गवर्नमेंट को एवेलेबल थे, अगर बिल न आता तब भी। इसलिए मेरा ख्याल है कि इस को इतना स्ट्रेच नहीं करना चाहिए। मैं यह उम्मीद करता हूं जयपाल रेड्डी साहब के कहने के बाद, मिनिस्टर साहब इस चीज का ख्याल रखेंगे कि जो अंदेशे हम को है, उन हमारे अंदेशों को जेहन में रखा जाय, उतना काफी है, लेकिन इस बात को इतना स्ट्रैच करने की जरूरत नहीं है क्योंकि बिल लाने के पहले कुछ पैरामीटर्स गवर्नमेंट के फंक्शन्स के पहले से एवेलेबल थे।

†[ ]Transliteration in Arabic Script

We should leave it at that. ...*(Interruptions)*

THE DEPUTY CHAIRMAN: Mr. Jaipal Reddy, you have said enough on this...*(Interruptions)*

SHRI S. JAIPAL REDDY: Madam, I represent a different party. I have my viewpoint. I have a different viewpoint. I have got the right to say this.

श्री जगदीश प्रसाद माथुर: एक ही बात को बार-बार दोहराया जा रहा है मुझे ऑब्जेक्शन नहीं है, जो रेड्डी साहब कह रहे है, उस में दम है। अगर मंत्री जी उस को मान लें तो बहुत अच्छा होगा, लेकिन उसी बात को बार-बार दोहराने से कोई अर्थ नहीं है। मैं मिसेज आल्वा की बात से सहमत हूं कि इस को समाप्त किया जाना चाहिए और जो हमारे संदेह है, उन को ध्यान में रखा जाना चाहिए ...**(व्यवधान)**... लेकिन एक ही बात को बार-बार कहा जा रहा है। यह तो टाइम वेस्ट करना है।

SHRI S. JAIPAL REDDY: I am in agreement with the opinion of the Leader of the Opposition.

SHRIMATI MARGARET ALVA: We are not moving it in the House. We are not discussing it. Finished. It is over. What is this?

SHRI S. JAIPAL REDDY: Let the Minister say what Sikander Bakhtji has said.

THE DEPUTY CHAIRMAN: Jaipal Ji, that matter is closed. I am not allowing any more discussion on that. I have now to go to the next item. *(Interruptions)*

SHRI S. JAIPAL REDDY: Let the Minister agree to what the Leader of the Opposition says. He says he will go as per the law.

SHRI JAGDISH PRASAD MATHUR: We may agree on certain points also, but I object to ...*(Interruptions)*

SHRI S. JAIPAL REDDY: I am also in agreement with them. It is the Minister who is not respecting the sentiments of the entire Opposition. The entire Opposition wants him to stay his action. *(Interruptions)*

SHRI V. NARAYANASAMY: Mr. Jaipal Reddy, you cannot impose. *(Interruptions)* Madam, they cannot do like this. *(Interruptions)*

THE DEPUTY CHAIRMAN: Now, please sit down. *(Interruptions)* Please take your seat. Just one second, please. You had objected to the Bill. I am repeating it again that he came here to day to move the Bill. He come to my chamber and talked to some Members of Parliament. I wanted Mr. Jaipal Reddy to be there. Therefore, I searched for him. Then on persuasion the Minister said: "All right, whatever you suggestion is, I will bring a comprehensive legislative legislation in the next session." Now, the Minister said he was not going to do which is illegal, which is not within the rules. I think that is sufficient. Mr. Minister, you can go now. *(Interruptions)* That matter is over now. I am only dealing with it this much. I am not going into the merits. I cannot discuss the merit of a Bill which is not under discussion. The Bill is not before the House for discussion. So, we cannot discuss it. I now go on to the next item— The Constitution (Eighty-first Amendment) Bill, 1994. Dr. Jagannath Mishra.

THE CONSTITUTION (EIGHTY-FIRST AMENDMENT) BILL, 1994

ग्रामीण क्षेत्र और रोजगार मंत्री (डा॰ जगन्नाथ मिश्र): उपसभापति महोदया, मैं प्रस्ताव करता हूं कि भारत के संविधान का और संशोधन करने वाले विधेयक पर विचार किया जाए।"

महोदया, संविधान के नवम् अनुसूची में, विभिन राज्यों से प्राप्त भूमि सुधार संबंधी अधिनियमों को संवैधानिक संरक्षण देने की दृष्टि से, सम्मिलित करने के लिए यह विधेयक लाया गया है।....**(व्यवधान)**...

श्री दिग्विजय सिंह (बिहार): मिश्र जी, जब हाऊस नार्मल हो जाए तब बोलिएगा। हम आपको सुन नहीं पा रहे हैं।

उपसभापति: बोलिए बोलिए। मिश्र जी का क्या यह पहला बिल है? मैडेन परफोरमेनन्स है आपकी? और वह भी कंस्टीट्युशन....**(व्यवधान)**...

डा॰ जगन्नाथ मिश्र: जी.... **(व्यवधान)**...

श्री दिग्विजय सिंह: पहला बिल है इनका।

डा॰ जगन्नाथ मिश्र: महोदया, इस संविधान संशोधन विधेयक द्वारा संविधान के नवम् अनुसूची में 27 अधिनियमों को सम्मिलित करने का प्रस्ताव रखा जा रहा है। विभिन्न राज्यों से समय-समय पर जो अधिनियम प्राप्त हुए हैं, उन्हें संवैधानिक संरक्षण देने का है। इनमें से बिहार राज्य के 9, कर्नाटक का एक, केरल के 2, उड़ीसा का एक, राजस्थान के 3, तमिलनाडु के 4 और पश्चिम बंगाल के 7 अधिनियम हैं। इन 27 अधिनियमों में से 3 मुख्य अधिनियम भी हैं जिन्हें पहली बार इस नवम् अनुसूची में सम्मिलित करने के लिए ला रहे हैं। इनमें हैं — The Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956, the Bihar Privileged Persons. Homestead Tenancy Act, 1947 and the West Bengal land Reforms Tribunal Act, 1991.